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27 SEP 2006

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In re Application of : DECISION ON
NASH et al :
Application No.: 10/590,001 :
PCT No.: PCT/US04/036952 :
Int. Filing Date: 04 November 2004 : PETITION UNDER
Priority Date: 07 November 2003 :
Attorney's Docket No.: 65167.00023 :
For: USE OF ... AND INFLAMMATION : 37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 17 August 2006. The petition fee of \$1,500.00 under 37 CFR 1.17(m) has been charged to Deposit Account No.: 07-1850.

BACKGROUND

On 04 November 2004, this international application was filed, which claimed priority to application filed on 07 November 2003. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 07 May 2006. This international application became abandoned with respect to the United States at midnight on 07 May 2006 for failure to pay the required basic national fee.

On 17 August 2006, applicants filed in the United States Patent and Trademark Office (PTO) a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the national basic fee, the instant petition under 37 CFR 1.137(b), and the petition fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by having submitted the basic national filing fee, (2) the petition fee set forth in §1.17(m), and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



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